

REMARKS

Please cancel Claims 6, 16 and 26 without prejudice. Claims 1-5, 7-15, 17-25 and 27-30 are pending. Claims 1, 3-5, 7-11, 13-15, 17-21, 23-25 and 27-30 are amended herein. No new matter is added as a result of the claim amendments.

102 Rejections

The instant Office Action states that Claims 1-4, 7-14, 17-24 and 27-30 are rejected under 35 U.S.C. § 102(e) as being anticipated by Howes (U.S. Patent No. 6,738,784). The Applicant has reviewed the cited reference and respectfully submits that the present invention as recited in Claims 1-4, 7-14, 17-24 and 27-30 is not shown or suggested by Howes.

According to the present claimed invention, a device (e.g., a Web server or computer system) provides instructions to a remote device, in particular a remote device that provides voice files to the device. Also in particular, the instructions are for implementing a user interface via the remote device. Furthermore, the user interface includes an audible message that is accessed by a speech portal that is used to record the message that is the basis for the voice files.

Specifically, independent Claim 1 recites "a Web server providing instructions to a first remote device via the Internet, wherein said instructions are for implementing a user interface according to user preferences, said user interface comprising an audible message that is accessed via a speech portal; [and] said Web server receiving via the Internet

a voice file from said first remote device, said voice file comprising digitized data representing a recorded message that is recorded using said speech portal.” Independent Claims 11 and 21 each recite “providing instructions to a first remote device via the Internet, wherein said instructions are for implementing a user interface according to user preferences, said user interface comprising an audible message that is accessed via a speech portal; [and] receiving via the Internet a voice file from said first remote device, said voice file comprising digitized data representing a recorded message that is recorded using said speech portal.” Applicant respectfully submits that Howes does not show or suggest these limitations.

Therefore, Applicant respectfully submits that Howes does not show or suggest the present claimed invention as recited in independent Claims 1, 11 and 21. Accordingly, Applicant respectfully submits that independent Claims 1, 11 and 21 traverse the basis for rejection under 35 U.S.C. § 102(e) and are in condition for allowance. As such, Applicant also respectfully submits that Claims 2-4, 7-10, 12-14, 17-20, 22-24 and 27-30 traverse the basis for rejection under 35 U.S.C. § 102(e) and are in condition for allowance, as Claims 2-4, 7-10, 12-14, 17-20, 22-24 and 27-30 are dependent on allowable base claims and recite additional limitations.

103 Rejections

The instant Office Action states that Claims 5, 15 and 25 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Howes. The Applicant has reviewed the cited reference and respectfully submits that the present

invention as recited in Claims 5, 15 and 25 is not shown or suggested by Howes.

Claims 5, 15 and 25 are dependent on either Claims 1, 11 or 21 and recite additional limitations. As presented above, Applicant respectfully asserts that Claims 1, 11 and 21 are not shown or suggested by Howes.

Therefore, Applicant respectfully submits that Claims 5, 15 and 25 traverse the basis for rejection under 35 U.S.C. § 103(a) and are in condition for allowance, as Claims 5, 15 and 25 are dependent on allowable base claims and recite additional limitations.

Conclusions

In light of the above remarks, reconsideration of the rejected claims is respectfully requested.

Based on the arguments presented above, it is respectfully asserted that Claims 1-5, 7-15, 17-25 and 27-30 overcome the rejections of record and, therefore, allowance of these claims is solicited.

Applicant has reviewed the references cited but not relied upon. Applicant did not find these references to show or suggest the present claimed invention: U.S. Patent Nos. 6,122,614, 5,875,4436, 6,298,326, 6,697,841, 6,408,330, 6,175,822 and 6,259,657.

The Examiner is invited to contact Applicant's undersigned representative if the Examiner believes such action would expedite resolution of the present Application.

Respectfully submitted,

WAGNER, MURABITO & HAO LLP



Date: 3/2/05

William A. Zarbis

Reg. No. 46,120

Two North Market Street
Third Floor
San Jose, California 95113
(408) 938-9060